

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALAN MAY,

Plaintiff,

v.

Case No. 11-14453

TOWNSHIP OF BLOOMFIELD, et al.,

Defendants.

**ORDER DIRECTING THE SOCIAL SECURITY ADMINISTRATION
TO PRODUCE DISCOVERY OR SHOW CAUSE**

Defendants Bloomfield Township and Officers James Gallagher, Sean Kelley, April Switala, Scott Monkkonen, and Jason Murphy, served the Social Security Administration ("SSA") at its central office in Baltimore, Maryland with a subpoena on March 12, 2012. The subpoena requested the SSA to provide Defendants with records relating to decedent Jesus Gillard. The SSA informed Defendants on March 21, 2012, that they did not include the correct documentation and instructed Defendants to send their subpoena, Form SSA-3288, and Consent for Release to the SSA's Chicago office. Defendants did so accordingly and requested documents via subpoena from the SSA's Chicago office on June 8, 2012.

Defendants again learned their request was insufficient. On June 28, 2012, the SSA's Office of Central Operations informed Defendants that their subpoena was being returned because Defendants did not provide Gillard's death certificate or payment—requirements not previously disclosed to Defendants in their previous

correspondence with the SSA. Defendants complied on July 9, 2012, sending the SSA a subpoena, signed SSA-7050-F4 form, Gillard's death certificate, letters of authority, payment, and a copy of the SSA's June 28, 2012 letter. Both the June 8, 2012 and July 9, 2012 subpoenas request

(1) Any and all records related to Jesus Winston Gillard a/k/a Arnold Winston Gillard, including but not limited to records of Social Security Disability payments and Social Security income throughout his lifetime, including such documents supplied in support of such request; and (2) Any and all records related to Jesus Winston Gillard a/k/a Arnold Winston Gillard, deceased, related to payment of Social Security disability benefits, Social Security income, or other Social Security benefits upon death. All records of earned income.

As of August 23, 2012, the SSA had yet to provide Defendants with any of the requested documents. Defendants filed a motion on that date asking the court to compel the SSA to produce the documents or show cause as to why the SSA should not be held in contempt of court. The SSA responded by sending Defendants "approximately 10 pages" of records pertaining only to Gillard's earnings history on August 29, 2012.

Defendants' subpoenas request a broader range of documents than those currently provided by the SSA. The subpoenas request "any and all" records regarding Gillard, including those related to payment of Social Security income, disability benefits, and benefits upon death. There is evidence to suggest that the SSA has other documents related to Gillard, as Gillard's wife testified during her deposition that he received Social Security income. It has now been over two months since Defendants issued their last subpoena with all of the correct documentation. Discovery is scheduled

to end by October 15, 2012, and Defendants' experts need all records regarding Gillard to prepare their reports. Accordingly,

IT IS ORDERED that by **September 28, 2012**, the Social Security Administration shall produce any and all documents related to Jesus Winston Gillard a/k/a Arnold Winston Gillard or show cause as to why it should not be held in contempt of court for failing to fully respond to the July 9, 2012 subpoena.

IT IS FURTHER ORDERED that Defendants are DIRECTED to serve this order on the Social Security Administration and file a proof of service forthwith.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 21, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 21, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522